

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts Southern
District of Texas
FILED

United States of America)

v.)

Santos Emilio MARCIAL-Castro)
COC: Mexico)
YOB: 1993)

June 5, 2023

Nathan Ochsner, Clerk of Court

Case No.7:23-MJ-01040-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 7, 2021 to April 25, 2023 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18, USC Section 2422(b)

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet.

Approved by AUSA M. Alexis Garcia

Submitted by reliable electronic means, sworn to and attested telephonically as per Fed.R.Cr.P.4.1, and probable cause found on:

Date: June 5, 2023 at 8:46 p.m.City and state: McAllen, Texas

/s/ Daron Hines

Complainant's signature

Daron Hines, HSI Special Agent

Printed name and title

Judge's signature

J. Scott Hacker, United States Magistrate Judge

Printed name and title

Attachment "A"

On April 27, 2023, Homeland Security Investigations (HSI) led Rio Grande Valley Child Exploitation Investigations Task Force (RGV CEITF) identified a 15-year-old child exploitation victim (hereinafter referred to as minor victim #1 "MV1"). HSI conducted a consensual search of MV1's mobile device. HSI observed a chat communication on the social media application SnapChat between MV1 and the username Imjust*****. HSI identified the owner of Imjust*****, through legal process sent to SnapChat, as Santos Emilio MARCIAL-CASTRO, a 30-year-old adult male.

The SnapChat conversation between MARCIAL-CASTRO and MV1 took place between May 7, 2021, and April 25, 2023. MV1 told MARCIAL-CASTRO that she is 13 years old. MARCIAL-CASTRO acknowledged the message and asked how old MV1's boyfriend was. Throughout the conversation, MARCIAL-CASTRO entices MV1 to send several nude images of MV1's vagina and breasts. HSI observed several images of MV1's exposed vagina and breasts.

On May 8, 2023, HSI conducted a forensic interview with MV1. MV1 identified the SnapChat username Imjust***** as a person she knew as "Emilio." HSI showed MV1 a driver's license photo of MARCIAL-CASTRO. MV1 identified MARCIAL-CASTRO as the person in the SnapChat conversation with Imjust*****. MV1 told HSI that MARCIAL-CASTRO asked her to take nude images of her vagina and breasts on several occasions. MV1 stated that she took pictures of her vagina and breast and sent them to MARCIAL-CASTRO. MV1 acknowledge that the pictures saved in SnapChat were of her vagina and breasts.

On June 5, 2023, HSI interviewed MARCIAL-CASTRO at his residence in Edinburg, Texas. During a post Miranda interview, MARCIAL-CASTRO told HSI that his username on SnapChat is Imjust***** and is also known by his middle name Emilio. MARCIAL-CASTRO then invoked his right to remain silent. HSI seized an iPhone found in MARCIAL-CASTRO's possession and MARCIAL-CASTRO claimed ownership to the iPhone. At the HSI Harlingen office, HSI sent 2 test messages from MV1's SnapChat account to Imjust*****. HSI observed the two SnapChat test messages appear in the notification center on MARCIAL-CASTRO's locked iPhone. Coercing and enticing MV1 to send sexually explicit images through the use of online social media, would constitute receipt of child pornography, which is a violation of 18 United States Code Section 2252A(a)(2)(A).